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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SAVERIO CARL FALCO ET AL.

CASE NO.: BB-1037-F

APPLICATION NO.: 09/049,304

GROUP ART UNIT: 1649

FILED: MARCH 27, 1998

EXAMINER: E. MCCELWAIN

FOR: CHIMERIC GENES AND METHODS FOR
INCREASING THE LYSINE AND
THREONINE CONTENT OF THE SEEDS OF
PLANTS

RECEIVED

APR 20 2001

OFFICE OF PETITIONS

PETITION TO REVIVE PURSUANT TO 37 CFR § 1.137(B)

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

Petition to Revive Pursuant to 37 CFR §1.137(b)

This petition is submitted in response to the notification of abandonment provided in a telephonic discussion by the U.S. Patent and Trademark Office on Friday, April 6, 2001, for failure to timely respond to the Office Action dated August 29, 2000 for the above-identified application.

It is respectfully requested that the subject application be revived pursuant to 37 CFR §1.137(b) as a pending application.

The entire delay in filing the required reply from the due date for the reply until the filing of this petition pursuant to 37 CFR §1.137(b) was unintentional.

This petition is accompanied by the required reply and a copy of the missing Office Action which was kindly faxed to the undersigned by the Examiner.

Please charge the fee required in connection with the filing of this Petition to Revive, under 37 CFR §1.17(m), and any other fee that may be required in connection with the filing of this petition to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

LYNNE M. CHRISTENBURY
ATTORNEY FOR APPLICANTS
REGISTRATION NO. 30,971
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FACSIMILE: 302-892-1026

Dated: 10 April 2001

APR 12 2001

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Docket Number (Optional)

BB-1037-F

RECEIVED

First named inventor: SAVERIO CARL FALCO et al.

APR 20 2001

Application No.: 09/049,304

Group Art Unit: 1649

Filed: MARCH 27, 1998

Examiner: E. MC ELWAIN

OFFICE OF PETITIONS

Title: CHIMERIC GENES AND METHODS FOR INCREASING THE LYSINE AND THREONINE CONTENT OF
THE SEEDS OF PLANTS

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1240.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or \$____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D)).]

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APRIL 10, 2001

Date

Lynne M. Christenbury

Signature

Telephone

Number: (302-992-5481)

LYNNE M. CHRISTENBURY

Typed or printed name

1007 MARKET STREET

Address

WILMINGTON, DE 19898

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: COPY OF OFFICE ACTION

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

APRIL 10, 2001

Date

Susan L. Durkee

Signature

SUSAN L. DURKEE

Typed or printed name of person signing certificate